

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KYLE HOBBS

Defendant.

Criminal No.: 2:21-mj-30334

Hon. Patricia T. Morris

**STIPULATION AND JOINT MOTION, AND ORDER, TO CONTINUE PRELIMINARY
EXAM AND FIND EXCLUDABLE DELAY**

The parties jointly submit this stipulation and request that the Court order the time period in which an indictment must be returned be continued for 60 days and find that the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment. The parties agree that the preliminary hearing date current scheduled for September 29, 2021, should be adjourned to November 30, 2021.

Ordinarily, an indictment must be returned within thirty days from the date on which a defendant is arrested on a complaint. 18 U.S.C. § 3161(b). That period may be continued by the Court, however, and under some circumstances the resulting period of delay may be found to be excludable delay for purposes of the 30-day clock of § 3161(b). 18 U.S.C. § 3161(h)(7)(A). The parties jointly request that the Court continue the period in which an indictment must be returned by 60 days, because the parties need more time to receive and review discovery in this matter and meet and confer regarding the charges. This additional time is necessary, in part, because of the effect of the Covid-19 pandemic on the parties' ability to meet and confer.

The parties further stipulate and request that the Court find that, in light of the factors set forth in § 3161(h)(7)(B), the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment, and that such time should therefore be excluded from the time within which an indictment must be filed. *See* 18 U.S.C. § 3161(H)(7)(A) (allowing for periods of excludable delay).

Respectfully Submitted,

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Dated: September 28, 2021

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ORDER CONTINUING PRELIMINARY EXAM

The Court has considered the parties' stipulation and joint motion to continue the Preliminary Exam for 60 days the time period in which an indictment must be filed and hereby grants that request.

Accordingly, the Court finds, after considering the factors set forth in 18 U.S.C. § 3161(h)(7)(B), that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial and that the 60-day continuance qualifies as excludable delay under 18 U.S.C.

IT IS THEREFORE ORDERED that the preliminary examination currently set for September 29, 2021, be adjourned to November 30, 2021, and that the time period be excluded under 18 U.S.C. § 3161(b).

s/Elizabeth A. Stafford
Judicial Officer's Signature

Date: September 29, 2021

Elizabeth A. Stafford, U.S. Magistrate Judge
Printed name and title